

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C. 20231
 ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

| | |
|--|--|
| Date of mailing (day/month/year) 07 October 1999 (07.10.99) | |
| International application No. PCT/CA99/00121 | Applicant's or agent's file reference 40743-4 |
| International filing date (day/month/year) 12 February 1999 (12.02.99) | Priority date (day/month/year) 13 February 1998 (13.02.98) |
| Applicant CLEMENT, Gerald, M. | |

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

13 September 1999 (13.09.99)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

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|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 | Authorized officer Lazar Joseph Panakal Telephone No.: (41-22) 338.83.38 |
|---|--|

INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 99/00121

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 E02B3/10 E02B7/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 E02B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No |
|----------|--|--|
| X | US 5 059 065 A (DOOLAEGE DAVID) 22 October 1991 see column 5, line 1 - column 6, line 50 see figures 2,4,8 --- | 1-4, 7-10,14, 15,17, 18,24,25 |
| X | US 5 645 373 A (JENKINS JOHN T) 8 July 1997 see column 3, line 26 - column 4, line 37 see column 6, line 38 - column 7, line 11 see figures 10-12 --- -/-- | 1,2,4, 7-12,16, 17,19, 20,24,25 |

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

Special categories of cited documents

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- "S" document member of the same patent family

Date of the actual completion of the international search

17 May 1999

Date of mailing of the international search report

26/05/1999

Name and mailing address of the ISA
European Patent Office, P B 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel (+31-70) 340-2040 Tx 31 651 epo nl
Fax: (+31-70) 340-3016

Authorized officer

Urbahn, S

INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 99/00121

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

| Category | Citation of document, with indication where appropriate, of the relevant passages | Relevant to claim No |
|----------|--|--|
| X | WO 96 27710 A (MELIN SIGURD) 12 September 1996 see page 5, line 5 - line 37 see page 7, line 19 - line 26 see figures 1,2 | 1-5,7,8, 16,17, 19,21, 22,24,25 |
| A | --- | 13 |
| A | PATENT ABSTRACTS OF JAPAN vol. 097, no. 009, 30 September 1997 & JP 09 119124 A (HOKOKU KOGYO CO LTD), 6 May 1997 see abstract | 6,23 |
| A | --- | |
| A | NL 1 000 539 C (INST MILIEU & AGRITECH) 10 December 1996 see page 1, line 31 - page 2, line 18 ----- | 6,23 |

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/CA 99/00121

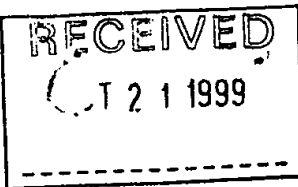
| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
|---|---|---------------------|----------------------------|---------------------|
| US 5059065 | A | 22-10-1991 | AT 122748 T | 15-06-1995 |
| | | | AU 639171 B | 15-07-1993 |
| | | | AU 1046692 A | 30-07-1992 |
| | | | DE 69202472 D | 22-06-1995 |
| | | | DE 69202472 T | 18-01-1996 |
| | | | DK 496519 T | 02-10-1995 |
| | | | EP 0496519 A | 29-07-1992 |
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| | | | GR 3017076 T | 30-11-1995 |
| | | | HK 162696 A | 06-09-1996 |
| | | | MX 9200300 A | 01-08-1992 |
| US 5645373 | A | 08-07-1997 | NONE | |
| WO 9627710 | A | 12-09-1996 | SE 503551 C | 01-07-1996 |
| | | | AU 4960196 A | 23-09-1996 |
| | | | BR 9607224 A | 07-07-1998 |
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| | | | CN 1177388 A | 25-03-1998 |
| | | | EP 0813633 A | 29-12-1997 |
| | | | JP 11501092 T | 26-01-1999 |
| | | | NO 973954 A | 03-09-1997 |
| | | | PL 322085 A | 05-01-1998 |
| | | | SE 9500795 A | 01-07-1996 |
| | | | US 5857806 A | 12-01-1999 |
| NL 1000539 | C | 10-12-1996 | NONE | |

526 Rec'd PCT/PTO 11 AUG 2000

09/622013

The PTO did not receive the following
listed item(s)

NO POST CARD



PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

To:

BENNETT JONES
Attn: Rosean Caldwell
4500 Bankers Hall East
855 - 2nd Street S.W.
Calgary, Alberta T2P 4K7
CANADA

INFORMATION CONCERNING ELECTED
OFFICES NOTIFIED OF THEIR ELECTION

(PCT Rule 61.3)

| | | |
|--|---|-----------------------|
| Date of mailing (day/month/year) 07 October 1999 (07.10.99) | | |
| Applicant's or agent's file reference 40743-4 | | IMPORTANT INFORMATION |
| International application No. PCT/CA99/00121 | International filing date (day/month/year) 12 February 1999 (12.02.99) | |
| Applicant CLEMENT, Gerald, M. | | |

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

AP : GH, GM, KE, LS, MW, SD, SZ, UG, ZW

EP : AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE

National : AU, BG, BR, CA, CN, CZ, DE, GB, IL, JP, KP, KR, MN, NO, NZ, PL, RO, RU, SE, SK, US.

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM

OA : BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG

National : AL, AM, AT, AZ, BA, BB, BY, CH, CU, DK, EE, ES, FI, GD, GE, GH, GM, HR, HU, ID, IN, IS, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MW, MX, PT, SD, SG, SI, SL, TJ, TM, TR, TT, UA, UG, UZ, VN, YU, ZW

3. The applicant is reminded that he must enter the "national phase" before the expiration of 30 months from the priority date before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1)(a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3)(b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into the European regional phase is postponed until 31 months from the priority date for all States designated for the purposes of obtaining a European patent.

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| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35 | Authorized officer: Lazar Joseph Panakal Telephone No. (41-22) 338.83.38 |
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AUG 31 1999

PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

To:

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

BENNETT JONES
Attn: Rosean Caldwell
4500 Bankers Hall East
855 - 2nd Street S.W.
Calgary, Alberta T2P 4K7
CANADA

Date of mailing (day/month/year)
19 August 1999 (19.08.99)

Applicant's or agent's file reference
40743-4

IMPORTANT NOTICE

International application No.
PCT/CA99/00121

International filing date (day/month/year)
12 February 1999 (12.02.99)

Priority date (day/month/year)
13 February 1998 (13.02.98)

Applicant
CLEMENT, Gerald, M.

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
AU,CN,EP,IL,JP,KP,KR,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AL,AM,AP,AT,AZ,BA,BB,BG,BR,BY,CA,CH,CU,CZ,DE,DK,EA,EE,ES,FI,GB,GD,GE,GH,GM,HR,HU,
ID,IN,IS,KE,KG,KZ,LC,LK,LR,LS,LT,LU,LV,MD,MG,MK,MN,MW,MX,NO,NZ,OA,PL,PT,RO,RU,SD,
SE,SG,SI,SK,SL,TJ,TM,TR,TT,UA,UG,UZ,VN,YU,ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on
19 August 1999 (19.08.99) under No. WO 99/41459

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

J. Zahra

Facsimile No. (41-22) 740.14.35

Telephone No. (41-22) 338.83.38

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | | |
|--|---|--|
| Applicant's or agent's file reference 40743-4 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/CA99/00121 | International filing date (day/month/year) 12/02/1999 | Priority date (day/month/year) 13/02/1998 |
| International Patent Classification (IPC) or national classification and IPC E02B3/10 | | |
| Applicant CLEMENT, Gerald, M. | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 13/09/1999 | Date of completion of this report 05.05.2000 |
| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized officer Schoufour, F Telephone No. +49 89 2399 8919  |

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA99/00121

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-15 as originally filed

Claims, No.:

1-25 as originally filed

Drawings, sheets:

1/8-8/8 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
☒ claims Nos. 3,7,13,24.

because:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA99/00121

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 3,7,13,24 are so unclear that no meaningful opinion could be formed (*specify*):
- see separate sheet**
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|------|-------------------------------|
| Novelty (N) | Yes: | Claims |
| | No: | Claims 1,2,4,8-11,17,19-21,25 |
| Inventive step (IS) | Yes: | Claims |
| | No: | Claims 5,6,12,14-16,18,22,23 |
| Industrial applicability (IA) | Yes: | Claims 1-25 |
| | No: | Claims |

2. Citations and explanations

see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

CLAIM 1

1. Document US-A-5,059,065 (D1) discloses a dike section comprising a first elongate bladder formed of a flexible material to contain a liquid and a second elongate bladder formed of a flexible material to contain a liquid, the first and the second elongate bladder extending in side by side relation ; and a wall dividing the first from the second elongate bladder, the wall formed to prevent any flow of liquid from the first to the second elongate bladder.

Reference is made to the figures 1-4 and to column 5, lines 1-56.

2. Moreover, the documents WO-A-96 / 27710 (D2) and US-A-5,645,373 (D3) disclose also such a dike section, which can f.i. be seen from the figures 1,2 and the abstract in D2, and the figures 10,12 and the abstract in D3.
3. In view of these disclosures, the subject-matter of claim 1 does not appear to be novel (Article 33(2) PCT).

DEPENDENT CLAIMS 2, 4-6, 8-12, 14-16

4. The features of these dependent claims are either already known from one of the documents D1 to D3 (the features of the claims 2,4,8-11 are f.i. known from D2) or lie within the technical capabilities of the skilled man.

Therefore, these dependent claims do not appear to meet the requirements of Article 33(2) PCT (novelty) or Article 33(3) PCT (inventive step).

DEPENDENT CLAIMS 3, 7, 13

5. The claims 3 and 7 do not contain any constructional features, while claim 13 is in contradiction with claim 1. These claims are therefore to be disregarded.

INDEPENDENT CLAIM 17

6. In the same way as above, independent claim 17 does not appear to be novel in view of one of the documents D1,D2,D3.

DEPENDENT CLAIMS 18-23, 25

7. The features of these dependent claims are either already known from one of the documents D1 to D3 (the features of the claims 19-21,25 are f.i. known from D2) or lie within the technical capabilities of the skilled man.

Therefore, these dependent claims do not appear to meet the requirements of Article 33(2) PCT (novelty) or Article 33(3) PCT (inventive step).

DEPENDENT CLAIM 24

8. Claim 24 does, in the same way as claim 7, not contain any constructional features. This claim is therefore also to be disregarded.

FURTHER POINTS

9. The independent claims are not formulated in the two-part form (Rule 6.3(b) PCT). Reference numerals are not inserted into the claims (Rule 6.2(b) PCT). A prior art document has not been discussed in the application.

* * *